

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

v.

Kaliska Rose Rubio

ORDER SETTING CONDITIONS
OF RELEASE

FILED FEB 08 2008 USDC-OR

Case Number: CR07-524-KI

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violations of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear as directed by U.S. District Court.

Additional Conditions of Release

IT IS FURTHER ORDERED that the defendant be released provided that the defendant:

Report as directed by the U.S. Pretrial Services office.
Refrain from any use, consumption or possession of any alcohol or controlled substance in any form, under any circumstances, unless lawfully prescribed in writing by a licensed medical provider. A copy of the original written prescription must be shown to the U.S. Pretrial Services Officer within 10 days after defendant receives the written prescription. Defendant must also provide the U.S. Pretrial Services Officer with a list of all medication, including over-the-counter and supplements, being taken that might produce a positive result on a urinalysis test. To ensure compliance with the restriction on alcohol and controlled substance use, the defendant shall submit to body substance tests, including breath, blood and urinalysis as may be requested by the U.S. Pretrial Services Officer. Should results indicate the use of alcohol or controlled substances, the defendant shall undergo drug counseling as directed by Pretrial Services.
Participate in a mental health evaluation and counseling at the direction of U.S. Pretrial Services. The defendant is also to take all medications as prescribed and participate in medication monitoring if directed by Pretrial Services.
Neither own, possess, nor control any firearm (or any other specified weapon).
Avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: female juvenile.
The defendant shall enroll in approved schooling or participate in General Equivalency Program or a combination of both.
Avoid all contact with Warren Wallulautm Jr., Taylor Arthur, Aldo Antunez and Adam Rubio, Sr. (Defendant may take the children to visit Mr. Rubio in jail only).
Defendant is placed in the custody of:

Christine and Leroy Smith
1803 Kalish Road
Warm Springs, OR (541)-325-1173

who agrees a) to supervise the defendant in accordance with all conditions of release, b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed:

Leroy Smith Sr 2/4/08
Custodian or Proxy
Christine Smith 2/4/08 Date

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both, to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

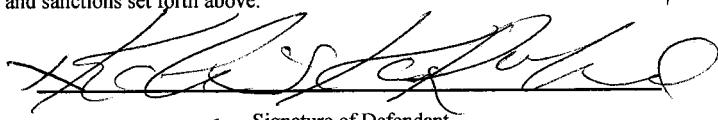
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for no more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for no more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned no more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both;

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

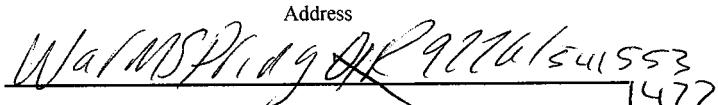
I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant



Address



City, State & Zip Telephone

Special Needs Finding:

Based upon the above conditions, including the conditions relating to:

Alcohol detection
 Drug detection
 Computer monitoring

The Court is reasonably assured the defendant will appear as directed and not pose a danger to the community or any other person.

Directions to the United States Marshal

The defendant is ORDERED released after processing.
 The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant shall be produced before the duty Magistrate Judge on _____ at _____.

Date: 2-4-08



Signature of Judicial Officer

Garr M. King,
U.S. District Judge

Name and Title of Judicial Officer

cc: Defendant
 US Attorney
 US Marshal
 Pretrial Services